

Nixon, Andrea (DPU)

From: Bill Anderson [w_d_anderson@charter.net]
Sent: Tuesday, September 12, 2006 3:57 PM
To: Nixon, Andrea (DPU)
Cc: aijala_karl; Bartlett, Dennis (White); Ann C. Jewett; Richard Adams; Cable Advisory
Subject: Berlin Cable Advisory - Reply Comments

Andrea,

The following comments are offered by the Berlin Cable Advisory Committee. In terms of background, Our Committee just completed a license renewal last spring, and as such our readiness may be at a higher level than other communities.

Our committee was formed at the last minute from all new members with only one year left on our current License.

Bill Anderson
Berlin Cable Advisory Chairman
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For Individual Municipalities:1

1. Who initially reviews cable license applications on behalf of the Issuing Authority in deciding whether to begin the licensing process pursuant to 207 C.M.R. § 3.02(2)? How soon after receipt of the application does this review begin?

Berlin Cable Advisory Committee would handle this task on behalf of the issuing authority. The review process could take several weeks to begin.

2. Has the municipality established a Cable Advisory Committee? Is this a standing committee? When is the committee in session? How often does the committee meet? What are the terms of its members? Who may serve on the committee? How soon after a cable license application is submitted to the municipality does the Cable Advisory Committee receive application materials and begin its review?

Berlin Cable Advisory met once a week when performing the last license renewal.

Members terms range from 1- 3 years. Review of application would probably begin within 30-days of receipt.

3. Does the municipality have a city solicitor or town counsel? Who represents the municipality in negotiations with the cable license applicant?

Yes on as needed basis

How soon after a cable license application is submitted to the municipality does the negotiator receive application materials and commence negotiations? When needed

Does the negotiator

have direct authority to offer final terms that may be included in a license to be executed by the municipality?

No

If not, please describe the steps necessary to authorize proposed term sheets.

This would vary depending on the issue. In the simple case a Vote on issues by cable advisory members other wise Selectmen could be involved for input if needed.

4. Is there any period of time wherein a Mayor or Board of Selectmen lacks authority to execute a contract on behalf of the community? For example, during the time after an election and before the newly elected Mayor takes an oath office, may the out-going Mayor execute a cable license? Please describe the circumstances and the duration of the period.

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Just the open meeting rules/restrictions as far as I know.

5. Many municipalities commented that 90 days is not sufficient to conduct a review of an initial license application. Please state whether there are any provisions of the current licensing process that may be streamlined and, if so, please identify such provisions.

Provisions for a short term (1 year) interim licenses might help if towns held strong leverage to not renew in the event of failure to agree on unresolved issues.

6. Please provide a typical timeline of all steps necessary to identify the community's cable-related needs and interests and to issue the issuing authority report or request for proposal? Please include intervals between notices and public hearings, as well as the approximate number of days necessary for each step.

In a start from scratch committee it took us 9 months to complete the ascertainment and public hearing process. Scheduling the public hearing offered no delay in this process since we planned ahead. This initial part of the process was the fastest we then ran into long delays associated with lawyers getting work done and the cable provider corporate approval process. It took over a year before we had a signed license from the point when we had agreed face to face with the provider. Most of this delay was due to the cable provider.

The proposed rule changes would make delay an advantage to the service provider.
Please don't let this happen.

7. Please state the date on which the municipality last conducted a review of its cable-related needs and interests.
January 2005.

How often is a full review of cable-related

needs and interests necessary?

Technology changes such as FIOS are a major reason to force a review. While Cable and FIOS may in the end provide the same services the details of how this is implemented change and need to be evaluated.

Would any of the intervals identified in the timeline in your response to Question 6 change absent a full review of cablerelated needs and interest.

Yes but this is a loaded question.

8. For communities that have begun the licensing process with Verizon, please provide a detailed timeline of events that have occurred to date. Please provide detail as to when the public hearing is held with respect to the date the proposal was first received.

We have not been contacted by verizon but we have gone ahead and contacted them to express our intrest.